

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC-JSC

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PRIVILEGE
BRIEFING**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas Pretrial Order 12 states in relevant part: “The Parties shall . . . simultaneously brief the Court” on their pending privilege dispute regarding materials from Facebook’s App Developer Investigation, “limiting the briefs to 20 pages total, by February 5, 2021.” Dkt. 602 ¶ A. “By that same date, Facebook shall submit the [relevant] documents for in camera review.” *Id.*

2. Whereas, Facebook anticipates the parties’ briefing will include substantial amounts of confidential Facebook information, including for example the privilege logs Facebook prepared in connection with this briefing that are subject to sealing under the Protective Order in this action, Dkt. 122, and the parties may not have sufficient time in advance of their filings to coordinate on which aspects of their filings require redactions and/or sealing.

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. Each party will temporarily file under seal: (i) its brief regarding this privilege dispute, (ii) any documents marked “Confidential” or “Highly Confidential—Attorneys Eyes Only” (including Facebook’s privilege logs) filed as exhibits; and (iii) any documents including or summarizing material from documents marked “Confidential” or “Highly Confidential—Attorneys Eyes Only” (including Facebook’s privilege logs).

2. By February 15, 2021, Facebook will file a motion to permanently seal any portions of the parties’ submissions it determines should remain under seal, or be redacted.

3. In connection with the parties’ briefing, both parties will also be referring to the six privilege logs provided by Facebook in excel format on December 10, 2020. Facebook will be providing these logs in electronic format to the Court, as well as two additional excel files: 1) a consolidated excel file reflecting the 400 entries across the six logs in which the name of no attorney appears, and (2) an excel file consisting of the 20 entries selected by Plaintiffs for *in camera* review. Facebook will copy Plaintiffs’ counsel on this submission to the Court.

Dated: February 5, 2020

KELLER ROHRBACK LLP

By: Derek W. Loeser
Derek W. Loeser

Derek W. Loeser (admitted *pro hac vice*)
Lynn Lincoln Sarko (admitted *pro hac vice*)
Gretchen Freeman Cappio (admitted *pro hac vice*)
Cari Campen Laufenberg (admitted *pro hac vice*)
David J. Ko (admitted *pro hac vice*)
Benjamin Gould (SBN 250630)
Adele Daniel (admitted *pro hac vice*)
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel.: (206) 623-1900
Fax: (206) 623-3384
dloeser@kellerrohrback.com
lsarko@kellerrohrback.com
gcappio@kellerrohrback.com
claufenberg@kellerrohrback.com
dko@kellerrohrback.com
bgould@kellerrohrback.com
adaniel@kellerrohrback.com

Christopher Springer (SBN 291180)
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Tel.: (805) 456-1496
Fax: (805) 456-1497
cspringer@kellerrohrback.com

Co-Lead Counsel for Plaintiffs

DATED: February 5, 2020

Deborah Stein (SBN 224570)
dstein@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Respectfully submitted,

BLEICHMAR FONTI & AULD LLP

By: Lesley E. Weaver
Lesley E. Weaver

Lesley E. Weaver (SBN 191305)
Anne K. Davis (SBN 267909)
Matthew P. Montgomery (SBN 180196)
Angelica M. Ornelas (SBN 285929)
Joshua D. Samra (SBN 313050)
555 12th Street, Suite 1600
Oakland, CA 94607
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com
adavis@bfalaw.com
mmontgomery@bfalaw.com
aornelas@bfalaw.com
jsamra@bfalaw.com

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP

By: Orin Snyder
Orin Snyder (*pro hac vice*)
osnyder@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193

Kristin A. Linsley (SBN 154148)
klinsley@gibsondunn.com
Martie Kutscher (SBN 302650)
mkutscherclark@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306
Attorneys for Defendant Facebook, Inc.

Telephone: 212.351.4000
Facsimile: 212.351.4035

Joshua S. Lipshutz (SBN 242557)
jlipshutz@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: February 5, 2021

—  —

United States Magistrate Judge Jacqueline Corley